

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-335-C - ORDER NO. 2004-332
OCTOBER 11, 2004

IN RE: Petition for Suspension of Wireline to) ORDER
Wireless Number Portability Obligations) GRANTING REQUEST
Pursuant to Section 251(f)(2) of the) FOR EXPEDITED REVIEW
Telecommunications Act of 1934, As) OF 180-DAY STAY OF
Amended.) WIRELINE TO WIRELESS
) NUMBER PORTABILITY
) OBLIGATIONS

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of a Request from Twenty-Seven (27) Petitioner Companies (herein “Petitioners” or “Companies”) for Expedited Review of their Petition to temporarily suspend the Companies’ obligations to provide number portability to requesting Commercial Mobile Radio Service (“CMRS”) providers effective November 24, 2003. The Petition was filed with the Commission on or about November 7, 2003.

Subsequent to that date, on November 10, 2003, the Federal Communications Commission (“FCC”) issued a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in document CC No. 95-116 which clarified the FCC requirement that wireline Local Exchange Carriers (“LECs”) would be required to provide number portability to CMRS providers by November 24, 2003. The FCC further ordered that wireline carriers outside the largest 100 MSA’s provide number portability to CMRS providers prior to May 24, 2004.

The Petitioners filed with the Commission on March 9, 2004, proof of publication of a notice of the hearing scheduled before this Commission on April 19, 2004. The deadline to intervene in this matter was March 16, 2004. The only party to intervene in this matter was the South Carolina Consumer Advocate (“Consumer Advocate”). On April 1, 2004, the Petitioners filed a Motion for Expedited Review with the Commission. In that Motion, the Petitioners stated that the Consumer Advocate was satisfied with the matter, did not intend to file testimony, and did not object to this Commission deciding this matter without a hearing based on the affidavits and pleadings filed by Petitioners with the Commission.

Petitioners additionally filed with the Commission certain affidavits which the Commission will accept into the record in this matter and view as prefiled testimony in support of the Petition. The Commission finds that the Petitioners have waived their right to a full hearing on the merits in this matter under S.C. Code Ann. Section 58-9-280 (Supp. 2003) and that on the basis of the aforesaid that the Motion should be, and is hereby, granted.

In Commission Order Number 2003-678, this Commission granted a temporary 180-day Stay of implementation of the wireline to wireless number portability obligation effective from November 24, 2003, to May 24, 2004. Petitioners now state that it does not appear that any of the Petitioning carriers herein will need the state waiver relief beyond May 24, 2004. However, Petitioners note that one or more of the Petitioning carriers may find it necessary to petition for further relief beyond that requested in the Petition and should that need arise any such carrier would file a separate petition with the

Commission. Due to the proximity of the scheduled hearing date to the end date of the Stay, which has now expired, a hearing on this matter is both unnecessary and would be wasteful of the resources of this Commission and the parties, and the Motion for Expedited Review should therefore be granted.

For the reasons stated herein, the Motion for Expedited Review of the Petitioners in this matter is granted. The Commission now will consider the Petition on an expedited basis.

Based upon the pleadings in the case, the affidavits filed by the Petitioners, and the FCC Orders issued regarding number portability to CMRS providers, the Commission finds that the public interest requires the granting of the Petition to afford Petitioners the time necessary to clarify the rules and orders of the FCC regarding this matter and to implement technical aspects of intermodal number portability. Accordingly, the Commission approves the Petition for Suspension of Wireline to Wireless Number portability obligations to afford a limited waiver to implement intermodal number portability until May 24, 2004 for the following carriers: (1) Chester Telephone Company, (2) Fort Mill Telephone Company d/b/a Comporium Communications, (3) Home Telephone Company, (4) Piedmont Rural Telephone cooperative, Inc., (5) Rock Hill Telephone Company d/b/a Comporium Communications, (6) Sandhill Telephone Cooperative, Inc., and (7) West Carolina Rural Telephone Cooperative, Inc.

Further the Commission grants a waiver of intermodal number portability obligations until May 24, 2004, for the remaining twenty Petitioners to allow the

Petitioners time to clarify any conflicting language or interpretation of the FCC's rules and orders on this matter.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)